

IN THE UNITED STATES DISTRICT COURT FOR
THE WESTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA,)
)
Plaintiff,) CIVIL NO.: 04-331E
)
vs.)
)
JAMES W. CRUM, JR. and)
JOANNE M. CRUM,)
)
Defendants.)
)

MOTION FOR DEFAULT AND DEFAULT JUDGMENT
AND FOR DEFICIENCY JUDGMENT

AND NOW comes the United States of America, by its attorneys, Mary Beth Buchanan, United States Attorney for the Western District of Pennsylvania and McGrath & Associates, P.C., and pursuant to Rules 55(a) and 55(b)(2) of the Federal Rules of Civil Procedure, respectfully moves the Court to enter default, a judgment in mortgage foreclosure, and an in personam judgment in favor of Plaintiff, the United States of America, and against Defendants, James W. Crum, Jr. and Joanne M. Crum. In further support of its Motion, the United States respectfully avers as follows:

1. On November 12, 2004, Plaintiff, the United States of America, filed a Complaint in Mortgage Foreclosure and for Deficiency Judgment against Defendants.
2. On November 15, 2004, Defendants were mailed a copy of the Complaint and a Notice of Lawsuit and Request for Waiver of Service of Summons.
3. On November 14, 2004, Defendant, Joanne M. Crum, executed the Waiver of Service of Summons which was filed with the Court on December 28, 2004.

4. On September 13, 2005, Defendant, James W. Crum, Jr., was served with a copy of the Summons and Complaint pursuant to Order of Court dated August 10, 2005.

5. Defendants have not answered or asserted any defense in this action as provided by the Federal Rules of Civil Procedure.

6. To the best of Plaintiff's knowledge, information and belief, Defendants are not infants or incompetent persons and are not in the military service of the United States of America.

7. The amounts due Plaintiff from Defendants on the Note and Mortgage are as follows:

Principal	\$ 54,103.08
Interest to 11/11/05	\$ 9,772.17
Interest Credit Subject to Recapture	\$ 828.76
Total	\$ 64,704.01

together with interest from November 11, 2005 at 7.375% per annum to the date of judgment, plus interest from the date of judgment at the legal rate and reasonable attorneys' fees and collection costs.

WHEREFORE, Plaintiff, the United States of America, respectfully requests the Court:

a. Grant Plaintiff's Motion and enter a judgment in mortgage foreclosure and an in personam judgment against Defendants in the amount of \$64,704.01 together with interest from November 11, 2005 at 7.375% per annum to the date of judgment, plus interest from the date of judgment at the legal rate and reasonable attorneys' fees and collection costs;

b. That the Plaintiff be paid the amount adjudged to be due and owing Plaintiff, with interest thereon to the time of such payment, together with the costs and expenses incurred by this action and by any sale of the subject property;

c. Expose the subject property to sale for the purpose of satisfying Plaintiff's judgment;

- d. Enter an in personam deficiency judgment against Defendants for the balance due on the default judgment after deduction of monies received from the sale of the subject property; and
- e. Grant Plaintiff such other and further relief as the Court deems just and proper.

Respectfully submitted,

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United States Attorney

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